

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6505**

**BILL NUMBER:** HB 1044

**NOTE PREPARED:** Apr 10, 2003

**BILL AMENDED:** Mar 18, 2003

**SUBJECT:** Immunity for Court Clerks for Protective Orders.

**FIRST AUTHOR:** Rep. Foley

**FIRST SPONSOR:** Sen. Clark

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** (Amended) This bill provides immunity from civil damages for circuit court clerks and court employees when providing clerical assistance to persons requesting orders for protection. It does not allow for immunity for persons or other entities with whom the clerk has entered into a contract to provide services.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Under current law, the clerk of the circuit court or an employee of the clerk of the circuit court is required to provide both the forms and clerical assistance in completing the forms and in filing a petition for a protective order.

This bill provides that the clerk of the circuit court or an employee who assists a person in completing these forms is not liable for civil damages unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct. The bill does not address whether the clerk's office is liable for civil damages.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Clerks of the circuit court.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852